



ZFW

Attorney Docket No. 20804.03

Customer No. 37833

Confirmation No. 6714

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **DWAYNE A. TIESZEN**

APPL. NO. : **10/730,918**

ART UNIT : **2882**

FILED : **DECEMBER 10, 2003**

EXAMINER : **KEANEY, E.**

TITLED : **WHITE LIGHT LED AND METHOD TO ADJUST
THE COLOR OUTPUT OF SAME**

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated November 1, 2005, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-10, drawn to a white light LED.
- II. Claims 11-18, drawn to a casting composition.
- III. Claims 19-20, drawn to a method of encapsulating an LED.

Application No.: 10/730,918
Art Unit: 2882

Attorney Docket No. 20804.03
Confirmation No. 6714

The Examiner states that the inventions of Groups I and II are related as combination and subcombination. The Examiner further states that the inventions of Groups I/III and Groups II/III are related as process of making and product made.

In order to establish that the inventions of Groups I and II are distinct, the Examiner asserts that the LED of Group I does not require the particulars of the composition of Group II for patentability. The inventions of Groups I/III and II/III are asserted by the Examiner to be distinct because the process of Group III can be used to make a product materially different from the LED of Groups I.

In compliance with the Examiner's restriction requirement, Applicant provisionally elects with traverse for further prosecution the invention defined by Claims 1-10 (designated as Group I).

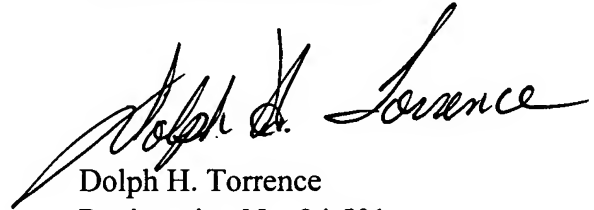
Notwithstanding the propriety of the restriction requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Application No.: 10/730,918
Art Unit: 2882

Attorney Docket No. 20804.03
Confirmation No. 6714

Accordingly, it is respectfully requested that the Examiner withdraw the restriction requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dolph H. Torrence', written in a cursive style.

Dolph H. Torrence
Registration No. 34,501
(703) 486-1000

DHT:RCL